

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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L. SEVILLE PARKS,

Plaintiff,

v.

DEBRA BROOKS, ADAM ENDEL, E.K.  
MCDANIEL, CLAUDE WILLIS, LORENA  
IRVIN, TONY JONES, RICHARD FALGE,  
LT. BOOK, ARTHUR NEAGLE, CALVIN  
PECK, PAUL HUNT, ROD LIGHTSEY,  
JAMES L. MITCHELL, DANIEL L.  
SCHMIDT, LANCE J. PIERCE, ROBERT  
GARDNER, CRAIG J. BYBEE, JOSEPH M.  
HOLIDAY, DAVID BRUMLEY, CHARLES  
COLEMAN, CINDY ULCH,

Defendants.

03:06-CV-00095-LRH-VPC

ORDER

Presently before the court is plaintiff L. Seville Parks's ("Parks") Motion to Reconsider (# 29<sup>1</sup>) this court's May 8, 2006, Order (# 27). Defendants E.K. McDaniel, Debra Brooks, Adam Endel, Glen Whorton and Greg Cox (collectively, ("Defendants")) have filed an opposition (#36), and Parks replied (# 29).

It is unclear to the court what relief Parks seeks in his motion. However, it appears that Parks's motion may seek either clarification or reconsideration of the court's May 8, 2006, Order.

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<sup>1</sup>Refers to this court's docket number.

1 To the extent Parks's motion seeks clarification of the court's May 8, 2006, Order (# 27), Parks's motion  
2 will be denied as the court finds its previous order clear and unambiguous.

3 With respect to reconsideration, Rule 60(b) of the Federal Rules of Civil Procedure  
4 provides,

5 [o]n motion and upon such terms as are just, the court may relieve a party or a  
6 party's legal representative from a final judgment, order, or proceeding for the  
7 following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2)  
8 newly discovered evidence which by due diligence could not have been discovered  
9 in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore  
10 denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an  
adverse party; (4) the judgment is void; (5) the judgment has been satisfied,  
released, or discharged, or a prior judgment upon which it is based has been reversed  
or otherwise vacated, or it is no longer equitable that the judgment should have  
prospective application; or (6) any other reason justifying relief from the operation  
of the judgment.

11 Fed. R. Civ. P. 60(b).

12 The bulk of Parks's motion appears to argue that his access to the court has been impeded  
13 by Defendants. For example, Parks asserts that he does not have access to a prison law clerk and is  
14 deprived of legal materials. On July 18, 2006, this court issued an order finding that plaintiff has  
15 access to legal supplies and law materials. (July 19, 2006, Minutes of the Court (# 62) at 2.) Thus,  
16 to the extent Parks seeks reconsideration of the court's May 8, 2006, order due to his inability to  
17 access the court, Parks' motion will be denied.

18 In addition to arguing that his access to the courts has been impeded, Parks asserts that the  
19 court erred in denying his request for counsel. However, Parks motion fails to demonstrate  
20 exceptional circumstances that would warrant court appointed counsel. *See Wood v. Housewright*,  
21 900 F.2d 1332, 1335 (9th Cir. 1990). Finally, Parks appears to assert that he needs more time to  
22 comply with the court's order. To the extent Parks needs additional time on matters relating to this  
23 litigation, the court directs Parks to file a separate motion for time. *See Fed. R. Civ. P. 6(b)*.

24 Although it is difficult to discern what relief Parks is requesting, it appears that the above  
25 issues are the only issues raised by Parks's motion. In short, Parks's motion fails to demonstrate  
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1 any of the reasons outlined in Rule 60(b) that would warrant reconsideration. IT IS THEREFORE  
2 ORDERED that Parks's Motion to Reconsider (# 29) is hereby DENIED.

3 IT IS SO ORDERED.

4 DATED this 23<sup>rd</sup> day of March, 2007.



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7 LARRY R. HICKS  
8 UNITED STATES DISTRICT JUDGE  
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